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09/110,667	07/07/1998	PETER C. BOYLAN III	UV-76	4967

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EXAMINER

HUYNH, SON P

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 07/07/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

12

# Office Action Summary

Application No.

09/110,667

Applicant(s)

BOYLAN III ET AL.

Examiner

Son P Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-132 is/are pending in the application.
- 4a) Of the above claim(s) 47-74 and 118-132 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46, 75-117 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 November 1998 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 05/28/2003 have been fully considered but they are not persuasive.

As for Applicant's assertion on page 7 that Hendricks fails to show or suggest an interactive television program guide that use the interactive television program guide to display the local advertisements that are specific to a particular geographic region and provides a user with an opportunity to use the interactive television program guide to select the local advertisement. Examiner asserts that Hendricks discloses subscriber region designation 926 indicates the geographic region in which the subscriber's set-top terminal is housed (see col. 17, lines 55-58), and the menus may also provide promotional or advertising information (see col. 35, lines 25-27), and an alternative submenu may show a strip window on the lower part of the screen displaying an 800 number and advertising the discovery catalog. Similar windows may be used throughout submenus to assist in advertising for particular program, channels or group of programs, many variations of the confirmation submenu 1056 are possible, including allowing the user to join the selected program already in progress (see col. 39, lines 14-17). It is apparently that the interactive program guide (menu) to display the advertisement (hit movies) that are specific to a particular geographic region and

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provides a user with an opportunity to use the interactive television program guide to select the local advertisement.

In response to applicant's argument that there is no suggestion to combine the references on page 11, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Carr teaches a technique for providing local information with the passive television program guide, the global video and data streams are transmitted to multiple cable system headends 20. The cable system headends 20 are typically in different geographic regions, the cable system head end in each region contains a computer that extracts the advertising text appropriate for that region and television program listings for the region. The region appropriate advertising text is combined on a single screen with the promotional videos and the program listings for that region (see col. 2, lines 27-35). Klosterman shows program schedule guide with interactive information regions for displaying additional information such as advertising information. User may clicks on the advertising information regarding a product, which displays on the information regions, to gain access to additional displays of advertising and promotional information (see col. 2, lines 1-60). The interactive region allow user to select a menu item to view additional

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information about the product or services advertised (see col. 7, lines 36-45). Therefore, it would have been obvious to one of ordinary skill in the art to modify Carr to incorporate the feature as taught by Klosterman in order to allow user to interact with the user interface for additional information, and thereby give user more convenient if user want to find out additional information of the advertisement being displayed on the screen.

Furthermore, the use of interactive in the TV art is notoriously well known. The examiner cites US 6,177,931; US 6,268,849; US 6,035,304, US 2003/0110499 to support.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-2, 6, 24-25, 29 and 75, are rejected under 35 U.S.C. 102(e) as being anticipated by Hendricks et al. (US 5,734,853).

Regarding claim 1, Hendricks et al. (hereinafter referred to as Hendricks) discloses a system wherein the operation center 202 “insert” directions for filling local

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available program time in the packaged signal to enable local cable and television company to fill the program time with local advertising and/or local programming (see col. 8, lines 54-57). The signal processor 209 at the head end 208 incorporates local programming and/or local advertisements into the program signal and using network controller 214 to forward the revised signal to the set top terminal 220 (see col. 10, lines 9-12). The set top terminal 220 processes certain signals received from the cable head end 208 and stores menu templates for creating menus that are displayed on a subscriber's television by using an array of menu templates (see col. 11, lines 51-55). The user can access a desired program by clicking associated region on the menu; the selected program is displayed on the television (see col. 12, lines 4-18, lines 63-65, col. 35, lines 23-29). In addition, Hendricks discloses subscriber region designation 926 indicates the geographic region in which the subscriber's set-top terminal is housed (see col. 17, lines 55-58), and the menus may also provide promotional or advertising information (see col. 35, lines 25-27), and an alternative submenu may show a strip window on the lower part of the screen displaying an 800 number and advertising the discovery catalog. Similar windows may be used throughout submenus to assist in advertising for particular program, channels or group of programs, many variations of the confirmation submenu 1056 are possible, including allowing the user to join the selected program already in progress (see col. 39, lines 14-17). Thus, Hendricks teaches a system for providing local advertisement from head end to user television equipment on which an interactive television program guide is implemented, comprising:

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means for distributing local advertisements to the user television equipment, wherein the local advertisements are specific to a particular geographic region 926

means for using the interactive television program guide to display the local advertisements; and

means for providing a user with an opportunity to use the interactive program guide to select the local advertisements.

Regarding claim 2, Hendricks teaches the means for distributing the local advertisements comprises means for transmitting the local advertisements from a television distribution facility (head end) to the user television equipment (see figure 3).

Regarding claim 6, Hendricks teaches the operation center transmits program signal to the head end; the head end inserts local advertisements and local program into the program signal received from operation center and forwards the revised program signal to the set top terminal (see figure 1 and col. 10, lines 9-11). Inherently, Hendricks teaches the means for distributing the local advertisements comprises: means for transmitting a global data stream to a television distribution facility; means for inserting the local advertisements into the global data stream at the television distribution facility; and means for transmitting the local advertisements from the television distribution facility to the user television equipment as part of the global data stream.

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Regarding claims 24-25 and 29 the limitations of the method being claimed correspond to the limitations of the system being claimed in claims 1-2, 6 and are analyzed as discussed with respect to the rejection of claims 1-2 and 6.

Regarding claim 75 the limitations of the system being claimed correspond to the limitations of the system being claimed in claim 1 and are analyzed as discussed with respect to the rejection of claim 1.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 12-15, 18, 20-23, 24-28, 35-38, 41, 43-46, 75-77, ~~80~~86, 89, 91-99, 106-109, 112, 114-117 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr (US 6,209,129), and in view of Klosterman et al. (US 5,940,073).

Regarding claim 1, Carr discloses a system in which local advertisements are distributed to user television equipment comprising:



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distributing the local advertisements to the user television equipment 22; and displaying the local advertisements with the television program guide (see figures 1, 2 and col. 2, lines 27-38, col. 4, lines 62 – 67). In addition, Carr discloses the cable system head ends are typically in different geographic regions. The cable system head end in each region contain a computer that extracts the advertising text appropriate for that region and the television program listings for the regions (see col. 2, lines 28-32). It is apparently that the local advertisements are specific to a particular geographic region. However, Carr does not explicitly disclose the television program guide is interactive that provide a user with an opportunity to user the interactive program guide to select the local advertisement.

Klosterman et al. discloses a system wherein the advertisements are distributed to user television equipment on which an interactive television program guide is implemented, wherein advertisements are displayed as a subset of an interactive program guide. The user may click on the region or select a menu item to view additional information about the product or service advertised. From these additional information displays, the user may more about the product or service, order product or service, or find out where the product or service may be obtained (see figure 2 and col. 2, lines 8-25, col. 7, lines 36-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carr to incorporate an interactive television program guide as taught by Klosterman et al. in order to give user an opportunity to activate an

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icon, click on the region, or select a menu item to view additional information about the product or service advertised.

Regarding claim 2, Carr discloses the means for distributing the local advertisements further comprises means for transmitting local advertisements to subscriber at television 22 (see col. 5, lines 1-5).

Regarding claim 3, Carr discloses the means for distributing the local advertisements further comprises data transmission equipment configured to transmit the local information to the television distribution facility as part of a global data stream (see col. 5, lines 6-10).

Regarding claim 4, Carr discloses the data transmission facility further comprises data transmission equipment configured to transmit the local information to the television distribution facility as part of a global data stream that contains global advertisements (see col. 5, lines 11-15).

Regarding claim 5, Carr discloses the data transmission distribution further comprises: data transmission equipment configured to transmit the local information to the television distribution facility as part of a global data stream, wherein the television distribution facility further comprises television distribution equipment configured to

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transmit the local information from the television distribution facility to the user television equipment (see col. 5, lines 16-24)

Regarding claim 12, Carr in view of Klosterman teaches a system as discussed in the rejection of claim 1. Carr further teaches means for transmitting global data stream comprising global advertisements to a television distribution facility, means for transmitting the global data stream from the television distribution facility to the user television equipment, and means for transmitting the local advertisements from the television distribution facility to the user television equipment (see col. 1, lines 47-57). In addition, Klosterman discloses advertising information and message from system operator to a user are included on the schedule guide (see col. 5, lines 7-10). If an information region displays advertising or promotional material, the user may activate an icon, click on the region, or select a menu item to view additional information about the product or service advertised. From these additional information displays, the user may learn more about the product or service, find out where the product or service may be obtain (see col. 7, lines 35-45). Inherently, Klosterman teaches the local advertisements are sent to user as a separate data stream from the global data stream. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carr to send local advertisements as a separate data stream from the global data stream as taught by Klosterman in order to reduce interfering in the stream.

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Regarding claim 13, Carr discloses the means for distributing the local advertisement further comprising:

means for transmitting a global advertisements which is included in the global data stream at a television distribution facility;

means for providing local advertisements to the television distribution facility; and

means for transmitting global advertisements and the local advertisements from television distribution facility to the user television equipment (see col. 1, lines 46-57, col. 2, lines 27-38, and col. 5, lines 1-24).

Regarding claim 14, Carr discloses means for distributing the local advertisements as discussed in the rejection of claim 13. Carr further discloses providing users with program guide information wherein data for television program listings such as channel, title and broadcast time information is stored in a program listing database 12 in a data transmission facility 14(see col. 2, lines 15-45). Inherently, the program guide information is transmitted from the data distribution facility to the television distribution facility, and then to the user equipment.

Regarding claim 15, Carr discloses program guide data and global advertisements are stored at the data transmission facility 14 (see col. 2, lines 15 – 26), and wherein the means for distributing the local advertisements further comprises:

means for transmitting the program guide data and global advertisements from the data transmission facility to a television distribution facility as discussed in the rejection of claim 14;

means for providing local advertisements at the television distribution facility (see col. 5, lines 6-10);

means for transmitting the program guide data, the global advertisements, and the local advertisements to the user television equipment as discussed in the rejection of claims 13 and 14.

Regarding claim 18, Carr in view of Klosterman discloses a system as discussed in the rejection of claim 1. Carr further discloses displaying local information automatically by cycling global information and local information (see abstract, lines 5-7). Inherently, the system comprising means for displaying global advertisements; and means for cycling the display of the global advertisements and the local advertisements.

Regarding claim 20, Carr in view of Klosterman teaches a system as discussed in the rejection of claim 1. Carr further discloses displaying global advertisement with the program guide (see figure 2). However, Carr does not disclose an interactive television program guide.

Klosterman et al. discloses displaying advertisement with interactive program guide (see figure 8). Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify Carr et al. to incorporate an interactive program guide as taught by Klosterman et al. in order to allow user to select an advertisement from the program guide.

Regarding claim 21, Klosterman et al. teaches displaying a program listings region with the interactive television program guide (see figure 8). Apparently, the system comprises means for displaying a program listings region with the interactive television program guide.

Regarding claim 22, Carr in view of Klosterman et al. teaches means for displaying global advertisements with the interactive television program guide as discussed in the rejection of claim 20. Klosterman et al. further teaches means for displaying a program listings region (see figure 8).

Regarding claim 23, Carr in view of Klosterman teaches a system as discussed in the rejections of claims 13, 22. Klosterman further teaches the program listings region comprising the program guide information with the interactive television program guide (see figure 8)

Regarding claims 24-28, 35-38, 41, 43-46, the limitations of the method being claimed respectively correspond to the limitations of the system being claimed in claims 1-5,13-

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15,18,20-23 and are analyzed as discussed with respect to the rejections of claims 1-5, 13-15, 18, 20-23.

Regarding claim 75, the limitations being claimed correspond to the limitations of claim 1 and are analyzed as discussed with respect to the rejection of claim 1.

Regarding claim 76, Carr teaches the system comprising a main facility 14 transmits the local advertisements to the television distribution facility as part of a global data stream (see figure 1 and col. 5, lines 5-10).

Regarding claim 77, Carr teaches the system comprising a main facility 14 transmits the local advertisements to the television distribution facility as part of a global data stream that comprises global advertisements (see figure 1 and col. 5, lines 10-15).

Regarding claims 84-86,89, 91-94, the limitations being claimed correspond to the limitations being claimed in claims 12-14, 18, 20-23 and are analyzed as discussed with respect to the rejection of claims 12-14, 18, 20-23.

Regarding claims 95-99, 106-109, 112, 114-117, the limitations of the claims are respectively directed toward embody the method of claims 1-5, 12-15, 18, 20-23 in a "machine readable medium." It would have been obvious to embody the procedures of Carr in view of Klosterman discussed with respect to claims 1-5, 12-15, 18, 20-23 in a

“machine readable medium” in order that the instructions could be automatically performed by a processor.

6. Claims 6-8, 10, 29-31, 33, 78-80, 82, 100-102, 104 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr (US 6,209,129) in view of Klosterman et al. (US 5,940,073), and further in view of Berezowski (US 6,075,551).

Regarding claim 6, Carr in view of Klosterman et al. teaches a system as discussed in the rejection of claim 1. Carr further teaches means for transmitting a global data stream to a television distribution system; means for transmitting the local advertisements from the television distribution facility to the user television equipment as part of the global data stream (see col. 1, lines 47-57). However, neither Carr nor Klosterman et al. explicitly discloses means for inserting the local advertisements into the global data stream at the television distribution facility.

Berezowski teaches means (local promotion unit 28) for inserting the local advertisements into the global data stream at the television distribution facility 20 (see figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carr and Klosterman et al. to incorporate means for inserting local commercial as taught by Berezowski in order to direct advertisements to appropriate demographic area, thereby increase efficiency in advertising.



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Regarding claim 7, Carr in view of Klosterman teaches a system as discussed in the rejection of claim 1. Carr further teaches means for transmitting a global data stream comprising global advertisement to a television distribution system; means for transmitting the local advertisements from the television distribution facility to the user television equipment as part of the global data stream (see col. 1, lines 47-57).

However, neither Carr nor Klosterman et al. explicitly discloses means for inserting the local advertisements into the global data stream at the television distribution facility.

Berezowski teaches means (local promotion unit 28) for inserting the local advertisements into the global data stream at the television distribution facility 20 (see figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carr and Klosterman et al. to incorporate means for inserting local commercial as taught by Berezowski in order to direct advertisements to appropriate demographic area, thereby increase efficiency in advertising.

Regarding claim 8, Carr in view of Klosterman teaches a system as discussed in the rejection of claim 1. Carr further teaches means for transmitting a global data stream comprising global advertisement to a television distribution system; means for transmitting the local advertisements from the television distribution facility to the user television equipment as part of the global data stream (see col. 1, lines 47-57).

However, neither Carr nor Klosterman et al. explicitly discloses means for inserting the

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local advertisements into the global data stream by overwriting the global advertisements at the television distribution facility.

Berezowski teaches means (local promotion unit 28) for inserting the local advertisements into the global data stream by overwriting the global advertisements at the television distribution facility 20 (see figure 3 and col. 6, lines 17-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carr and Klosterman et al. to incorporate means for inserting local commercial by overwriting the global advertisements as taught by Berezowski in order to increase efficiency in advertising.

Regarding claim 10, Carr in view of Klosterman teaches a system as discussed in the rejection of claim 1. Carr further teaches means for transmitting global data stream to a television distribution facility, and means for transmitting the local advertisements from the television distribution facility to the user television equipment as part of the global data stream (see col. 1, lines 47-57). However, neither Carr nor Klosterman teaches the global data stream comprising slots reserved for local advertisements and means for inserting the local advertisements into the global data stream in the reserved slots at a television distribution facility.

Berezowski et al. discloses the television distribution facility receives the globally distributed promotional information and the television program guide information.

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Globally distributed promotional information is continuously provided according to an hourly schedule. The hourly schedule may be divided into national periods and local periods. During national periods, only globally distributed promotional information is provided. During local periods, opportunities are provided for inserting local materials. Each time a local insertion opportunity is provided, a television distribution facility may insert local material, such as local advertisement, in place of the globally distributed promotional information (see col. 2, lines 21-39). Inherently, Berezowski teaches the global data stream comprising slots reserved for local advertisement and means for inserting the local advertisements into the global data stream in the reserved slots at a television distribution facility. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carr and Klosterman to incorporate a feature as taught by Berezowski in order allow operator at the head end to insert local advertisement at a predetermined place, therefore reduce time spent of the operator to find a proper location for inserting local advertisements.

Regarding claims 29-31 and 33, the limitations of the method being claimed respectively correspond to the limitations of the system being claimed in claims 6-8 and 10 and are analyzed as discussed with respect to the rejections of claims 6-8 and 10.

Regarding claims 78-80, 82, the limitations being claimed correspond to the limitations being claimed in claims 6-8, 10 and are analyzed as discussed with respect to the rejection of claims 6-8, 10.

Regarding claims 100-102, 104, the limitations of the claims are respectively directed toward embody the method of claims 6-8, 10 in a "machine readable medium." It would have been obvious to embody the procedures of Carr in view of Klosterman discussed with respect to claims 6-8, 10 in a "machine readable medium" in order that a processor could automatically perform the instructions.

7. Claims 9, 11, 32, 34, 81, 83, 103, 105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr (US 6,209,129) in view of Klosterman et al. (US 5,940,073), and further in view of Chen (US 5,917,830).

Regarding claim 9, Carr in view of Klosterman teaches a system as discussed in the rejection of claim 1. Carr further teaches means for transmitting global data stream to a television distribution facility, and means for transmitting the local advertisements from the television distribution facility to the user television equipment as part of the global data stream (see col. 1, lines 47-57). However, neither Carr nor Klosterman explicitly teaches the global data stream comprising bandwidth reserved for local advertisements and means for inserting the local advertisements into the global data stream in the reserved bandwidth at a television distribution facility.

Chen discloses a system for splicing a secondary packetized data stream, such as commercial, in a predetermined location in primary packetized data stream wherein the

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pre-splicing packet is processed to discard the anchor frame data, and to insert a number of stuffing bytes which is equal to the number of bytes discarded into an adaptation field of the pre-splicing packet (see figure 4 and col. 2, lines 18-37). Inherently, Chen teaches the global stream (main stream) comprising bandwidth reserved for local advertisements (second packetized data stream) and means for inserting the local advertisements into the global data stream in the reserved bandwidth at a television facility. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carr and Klosterman to incorporate a feature as taught by Chan in order to increase efficiency for the system.

Regarding claim 11, Carr in view of Klosterman teaches a system as discussed in the rejection of claim 1. Carr further teaches means for transmitting global data stream comprising global advertisements to a television distribution facility, and means for transmitting the local advertisements from the television distribution facility to the user television equipment as part of the global data stream (see col. 1, lines 47-57). However, neither Carr nor Klosterman explicitly teaches the global data stream comprising bandwidth reserved for local advertisements and means for inserting the local advertisements into the global data stream in the reserved bandwidth at a television distribution facility.

Chen discloses a system for splicing a secondary packetized data stream, such as commercial, in a predetermined location in primary packetized data stream wherein the

pre-splicing packet is processed to discard the anchor frame data, and to insert a number of stuffing bytes which is equal to the number of bytes discarded into an adaptation field of the pre-splicing packet (see figure 4 and col. 2, lines 18-37).

Inherently, Chen teaches the global stream (main stream) comprising bandwidth reserved for local advertisements (second packetized data stream) and means for inserting the local advertisements into the global data stream in the reserved bandwidth at a television facility. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carr and Klosterman to incorporate a feature as taught by Chan in order to increase efficiency for the system.

Regarding claims 32 and 34, the limitations of the method being claimed correspond to the limitations of the system being claimed in claims 9 and 11 and are analyzed with respect to the rejection of claims 9 and 11.

Regarding claims 81 and 83, the limitations being claimed correspond to the limitations being claimed in claims 9 and 11 and are analyzed as discussed with respect to the rejection of claims 9 and 11.

Regarding claims 103, 105, the limitations of the claims are respectively directed toward embody the method of claims 9, 11 in a "machine readable medium." It would have been obvious to embody the procedures of Carr in view of Klosterman discussed with

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respect to claims 9, 11 in a "machine readable medium" in order that a processor could automatically perform the instructions.

8. Claims 19, 42, 90 and 113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr (US 6,209,129) in view of Klosterman et al. (US 5,940,073), and further in view of Klosterman (US 6,078,348).

Regarding claim 19, Carr in view of Klosterman et al. (US 5,940,073)-hereinafter referred to as Klosterman '073-- teaches a system as discussed in the rejection of claim 18. Klosterman '073 further discloses data in front and back end of the data stream may be compressed to send a ticker instead of a regular full screen video display (see col. 5, lines 11-16). However, neither Carr nor Klosterman '073 explicitly discloses displaying banner advertisements.

Klosterman (US 6,078,348) – hereinafter referred to as Klosterman '348—discloses an advertisement (ad) database is created from commands including advertising text and logos including IDs for linking the ads to shows displayed in the EPG. The user may therefore access the advertising information directly from the guide (see col. 4, lines 45-49). Klosterman 348 further discloses each ad entry includes an ad banner text field, an ad text field, and a pointer to an ad logo. The ad entries include the ad banner text, and the ad text (see col. 8, lines 20-28). As a result, the banner advertisements will display on the screen. Therefore, Klosterman inherently teaches means for displaying banner

advertisements. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carr and Klosterman '073 to incorporate a feature as taught by Klosterman'348 in order to reduce space occupied by the global advertisements on the screen.

Regarding claim 42, the limitations of the method being claimed correspond to the limitations of the system being claimed in claim 19 and are analyzed as discussed to the rejection of claim 19.

Regarding claim 90, the limitations being claimed correspond to the limitations being claimed in claim 19 and are analyzed as discussed in the rejection of claim 19.

Regarding claim 113, the limitations of the claims are respectively directed toward embody the method of claim 19 in a "machine readable medium." It would have been obvious to embody the procedures of Carr in view of Klosterman discussed with respect to claims 19 in a "machine readable medium" in order that the instructions could be automatically performed by a processor.

9. Claims 16, 39, 87, 110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr (US 6,209,129) in view of Klosterman et al. (US 5,940,073), and further in view of Kikinis (US 5,929,849).



Regarding claim 16, Carr in view of Klosterman teaches a system as discussed in the rejection of claim 1. However, neither Carr nor Klosterman explicitly discloses displaying local advertisement with content related to the content of the global advertisement whenever the user selects the global advertisement.

Kikinis discloses a display system receiver wherein the BMW advertisement is displayed on the screen, when user click on the advertisement, a web page related to the advertisement is downloaded and displayed on the screen. The web page is an information portal for the TV viewer to access an abundance of information via the WWW, but not available in the original TV advertisement. Such information may includes detailed pricing structure, sales and lease term available, locations near the viewer where a demonstration drive may be accomplished and company representatives may be interviewed, a pre-filled order form may be accessed, the process of buying a dealer's product, and much more (see col. 8, lines 1-37). Inherently, Kikinis teaches means for displaying a corresponding local advertisement with content related to the content of the global advertisement whenever the user selects the global advertisement. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carr and Klosterman to incorporate the feature as taught by Kikinis in order to efficiently provide local advertisements to user via global advertisements.

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Regarding claim 39, the limitations of the method being claimed correspond to the system being claimed in claim 16 and are analyzed as discussed in the rejection of claim 16.

Regarding claim 87, the limitations of the claim correspond to the limitations of claim 16 and are analyzed as discussed in the rejection of claim 16.

Regarding claim 110, the limitations of the claims are respectively directed toward embody the method of claim 16 in a "machine readable medium." It would have been obvious to embody the procedures of Carr in view of Klosterman discussed with respect to claims 16 in a "machine readable medium" in order that the instructions could be automatically performed by a processor.

10. Claims 17, 40, 88, 111 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr (US 6,209,129) in view of Klosterman et al. (US 5,940,073), and further in view of Kikinis (US 5,929,849) and Berezowski et al. (US 6,064,376).

Regarding claim 17, Carr in view of Klosterman teaches a system as discussed in the rejection of claim 1. However, neither Carr nor Klosterman explicitly discloses displaying local advertisement with content related to the content of the global advertisement whenever the user selects the global advertisement.

Art Unit: 2611

Kikinis discloses a display system receiver wherein the BMW advertisement is displayed on the screen, when user click on the advertisement, a web page related to the advertisement is downloaded and displayed on the screen. The web page is an information portal for the TV viewer to access an abundance of information via the WWW, but not available in the original TV advertisement. Such information may includes detailed pricing structure, sales and lease term available, locations near the viewer where a demonstration drive may be accomplished and company representatives may be interviewed, a pre-filled order form may be accessed, the process of buying a dealer's product, and much more (see col. 8, lines 1-37). Inherently, Kikinis teaches means for displaying a corresponding local advertisement with content related to the content of the global advertisement whenever the user selects the global advertisement. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carr and Klosterman to incorporate the feature as taught by Kikinis in order to efficiently provide local advertisements to user via global advertisements. However, none of these references explicitly discloses displaying full-screen local advertisement.

Berezowski et al. teaches displaying full-screen promotion information (see figure 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carr, Klosterman and Kikinis to incorporate the feature as taught by Berezowski in order to allow user viewing information clearly.

Art Unit: 2611

Regarding claim 40, the limitations of the method being claimed correspond to the system being claimed in claim 17 and are analyzed as discussed in the rejection of claim 17.

Regarding claim 88, the limitations of the claim correspond to the limitations of claim 17 and are analyzed as discussed in the rejection of claim 17.

Regarding claim 111, the limitations of the claims are respectively directed toward embody the method of claim 17 in a "machine readable medium." It would have been obvious to embody the procedures of Carr in view of Klosterman discussed with respect to claims 17 in a "machine readable medium" in order that the instructions could be automatically performed by a processor.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hendricks (US 6,463,585) teaches targeted advertisement using television delivery system.

Knudson et al. (US 2003/0110499) teaches program guide system with targeted advertising.

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

15. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-306-0377.

Son P. Huynh  
June 18, 2003

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600